

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff, v. WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924-FDS
---	-------------------------------

**PLAINTIFF'S ANSWERS TO FIRST SET OF ADMISSIONS
OF WILMINGTON SAVINGS**

Request No. 1: Admit you received the letter and the included attachments mailed first-class dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN,” attached hereto as Exhibit A.

Answer: I do not remember receiving a letter and the included attachments mailed first-class dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN.”

Request No. 2: Admit you received the letter and the included attachments sent by certified mail dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN,” attached hereto as Exhibit B.

Answer: I do not remember receiving a letter and the included attachments sent by certified mail dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN.”

Request No. 3: Admit you did not complete and return the attachments contained in the letter mailed first-class dated June 6, 207 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN,” attached hereto as Exhibit A.

Answer: Admit

Request No. 4: Admit you did not complete and return the attachments contained in the letter sent by certified mail dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN,” attached hereto as Exhibit B.

Answer: Admit

Request 5: Admit Wilmington Savings provided you with an assessment of your ability to make affordable monthly mortgage payments.

Answer: Deny. Wilmington did not provide me with an assessment of my ability to pay and that denial continues to today, and includes Lender’s recent “Avoid Foreclosure-Act Now,” letter, dated, February 14, 2019, offering a trial modification, with \$89,000 to be paid in monthly mortgage payments within six months.

Request 6: Admit Wilmington Savings notified you of your right to pursue a modified mortgage loan.

Answer: Deny. Wilmington did not notify me of my right to pursue a modified mortgage.

Request 7: Admit Count One of the Complaint against Wilmington Savings pursuant to Mass. Gen. Laws. ch. 244, Section 35B has no factual basis.

Answer: Deny. Count One of the Complaint has factual basis and additional information would include Lender’s recent “offer,” a letter headed “Avoid Foreclosure –Act Now,” letter, dated February 14, 2019.

Request 8: Admit Wilmington Savings complied with the statutory requirements of Mass.Gen. Laws. ch. 244, Section 35B regarding foreclosing the Mortgage on the Property.

Answer: Deny. Wilmington did not comply with the statutory requirements of Mass.Gen.Law cha. 244, Section 35B, and that noncompliance continues to this day with Lender sending an “Avoid Foreclosure-Act Now” letter, dated February 14, 2019, purporting to assist Mr. Vanderhoop but instead demanding \$89,000 within six months, with \$50,000 due immediately, all without providing an opportunity for Mr. Vanderhoop to complete either a loan modification application or a loan mitigation application, but an offer that raised the initial loan by \$499,000 based on interest and fees.

Request 9: Admit you receive notified of your rights under Mass. Gen. Laws. ch. 24, Section 35B(c).

Answer: Deny. I obtained information regarding my rights from legal assistance not from the lender.

Request 10: Admit you are in default on the payment due under the Mortgage loan.

Answer. Admit.

Request 11: Admit Wilmington Savings has caused you no damages.

Answer: Deny. Wilmington has caused me damages; I was unable to sell my home and my physical health has declined significantly.

March 14, 2019

Signed under the pains and penalties of perjury,


MATTHEW J. VANDERHOOP

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff, v. WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924-FDS
---	-------------------------------

CERTIFICATE OF SERVICE

I, Deborah M. Dorman, of the Law Office of Deborah M. Dorman, counsel for Mr. Matthew Vanderhoop, plaintiff in the above-captioned action, hereby certify that on March 14, 2019, I served answers to defendant's First Request for Admissions of Wilmington Savings to Plaintiff and this Certificate of Service by first-class U.S. mail the following:

Aaron A. Fredericks, Esq.
Sasson & Cymrot, LLP
84 State Street
Boston, MA 02109
AFredericks@SassoonCymrot.com

